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OFFICE OF PETITIONS

In re Application of :
Kenneth M. Sprouse, et al. :
Application No. 10/787,430 : ON PETITION
Filed: February 26, 2004 :
Attorney Docket No. 7784-000709 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 12, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The application was held abandoned for a failure to respond to a Notice of Allowance and Fee(s) Due mailed June 2, 2005. Petitioner indicates that a response was timely filed on July 8, 2005, in the form of a Request for Continuing Examination (RCE). In support, petitioner provides a copy of the RCE including, *inter alia*, a copy of the postcard receipt dated July 8, 2005. It is noted that the RCE contains an incorrect application number. The postcard receipt includes the same incorrect application number. Nevertheless, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and it was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate the papers with the correct application.

The RCE filed July 8, 2005 was filed within the period set for paying the issue fee and, therefore, is a proper filing under 37 CFR 1.114. Accordingly, the holding of abandonment is hereby withdrawn and the application restored to pending status. The RCE filed July 8, 2005 has been removed from the incorrect Image File Wrapper (IFW) and uploaded to the correct application identified above. Since the petition to revive is unnecessary, the petition fee will be refunded to counsel's deposit account.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204.

This application is being referred to Technology Center AU 3746 for appropriate action on the RCE filed July 8, 2005.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions